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Attorneys for Defendant CITY OF LOS ANGELES

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

RUFINA MOLINA, ESTATE OF LUIS MARTINEZ, by and through successor in interest, RUFINA MOLINA,

Plaintiffs,

v.

CITY OF LOS ANGELES; RICARDO HUERTA, RUDOLPH RIVERA, ALDO QUINTERO, and DOES 1 through 10, inclusive.

Defendants.

Case No.:
CV16-1293ODW(ASx)

**ANSWER BY DEFENDANT
CITY OF LOS ANGELES
TO PLAINTIFFS'
COMPLAINT FOR
DAMAGES; DEMAND FOR
JURY TRIAL**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

COMES NOW, Defendant CITY OF LOS ANGELES, answering Plaintiff's Complaint for Damages for itself and for no other parties, admitting, denying and alleging as follows:

1. Answering paragraph 1, no factual allegations are made therein, and on that basis the paragraph goes unanswered.

1 2. Answering paragraph 2, no factual allegations are made therein, and
2 on that basis the paragraph goes unanswered.

3 3. Answering paragraph 3, no factual allegations are made therein, and
4 on that basis the paragraph goes unanswered.

5 4. Answering paragraph 4, defendant admits the allegations contained
6 therein.

7 5. Answering paragraph 5, defendant admits the allegations contained
8 therein.

9 6. Answering paragraph 6, defendant lacks sufficient information and
10 belief upon which to answer the allegations contained therein, and on that basis
11 denies the allegations.

12 7. Answering paragraph 7, no factual allegations are made therein, and on
13 that basis the paragraph goes unanswered.

14 8. Answering paragraph 8, defendant lacks sufficient information and
15 belief upon which to answer the allegations contained therein, and on that basis
16 denies the allegations.

17 9. Answering paragraph 9, defendant denies the allegations contained
18 therein.

19 10. Answering paragraph 10, defendant denies the allegations contained
20 therein.

1 11. Answering paragraph 11, defendant denies the allegations contained
2 therein.

3 12. Answering paragraph 12, defendant denies the allegations contained
4 therein.

5 13. Answering paragraph 13, which incorporates by reference the
6 allegations of other paragraphs of the pleading, defendant to the same extent
7 incorporates by reference the answers provided herein to those paragraphs.

8 14. Answering paragraph 14, defendant denies the allegations contained
9 therein.

10 15. Answering paragraph 15, defendant denies the allegations contained
11 therein.

12 16. Answering paragraph 16, defendant denies the allegations contained
13 therein.

14 17. Answering paragraph 17, defendant denies the allegations contained
15 therein.

16 18. Answering paragraph 18, defendant denies the allegations contained
17 therein.

18 19. Answering paragraph 19, defendant denies the allegations contained
19 therein.

20 20. Answering paragraph 20, defendant denies the allegations contained
21 therein.

1 21. Answering paragraph 21, which incorporates by reference the
2 allegations of other paragraphs of the pleading, defendant to the same extent
3 incorporates by reference the answers provided herein to those paragraphs.
4

5 22. Answering paragraph 22, no factual allegations are made therein, and
6 on that basis the paragraph goes unanswered.
7

8 23. Answering paragraph 23, defendant denies the allegations contained
9 therein.
10

11 24. Answering paragraph 24, defendant denies the allegations contained
12 therein.
13

14 25. Answering paragraph 25, defendant denies the allegations contained
15 therein.
16

17 26. Answering paragraph 26, defendant denies the allegations contained
18 therein.
19

20 27. Answering paragraph 27, defendant denies the allegations contained
21 therein.
22

AFFIRMATIVE DEFENSES

23 As separate and distinct affirmative defenses, the Defendant alleges each of
24 the following:
25

26 1. Decedent had actual knowledge of the condition and particular danger
27 alleged, knew and understood the degree of risk involved, and voluntarily assumed
28 such risk.

2. The force used against decedent, if any, was caused and necessitated by the actions of decedent, and was reasonable and necessary for self-defense.

3. The force used against decedent, if any, was caused and necessitated by the actions of decedent, and was reasonable and necessary for the defense of others.

4. As to the federal claims and theories of recovery, the individual officers are protected from liability under the doctrine of qualified immunity, because their conduct did not violate clearly established statutory or constitutional rights of which a reasonable person would have known.

5. Defendant City of Los Angeles is immune from the imposition of punitive damages.

6. The action is barred for lack of standing to sue.

DEMAND FOR JURY TRIAL

Defendant hereby demands and requests a trial by jury in this matter.

WHEREFORE, Defendant prays for judgment as follows:

1. That Plaintiff take nothing by this action;

2. That the action be dismissed;

3. That Defendant be awarded costs of suit;

4. That Defendant be awarded other and further relief as the Court may
deem just and proper, including an award of attorney fees pursuant to
42 U.S.C. §1988.

DATED: March 16, 2016

Respectfully submitted,

MICHAEL N. FEUER, City Attorney
THOMAS H. PETERS Chief Deputy City Attorney
CORY M. BRENT, Assistant City Attorney

/S/ *Denise C. Zimmerman*
By _____
DENISE C. ZIMMERMAN, Deputy City Attorney

Attorney for Defendant CITY OF LOS ANGELES